

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of April 22, 2010

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
David Dowling
Richard Freeburn
Gregory Sirb

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1279

Applicant: Barbara Sebastian, dba Sebastian Design
Address: 2121 Arbor Court, Mechanicsburg, PA 17055
Property: 5840 W. Longview Road, Harrisburg, PA 17112
Property Owners: Ann Hyle, Beth Bingaman
Interpretation: The minimum front yard setback is 25 feet.
The applicant proposes to construct a three season sunroom
to the front of the home.
Grounds: Section 307.A, of the Lower Paxton Township Zoning
Ordinance pertains to this application.
Fees Paid: March 31, 2010
Property Posted: April 13, 2010
Advertisement: Appeared in The Paxton Herald on April 7 & 14, 2010

The hearing began at 7:05 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Barbara Sebastian of Sebastian Design, 2121 Arbor Court, Mechanicsburg, PA 17055; Beth Bingaman, 5840 Longview Drive, Harrisburg PA 17112; and Dianne Moran, Planning & Zoning Officer.

Mr. Staub stated this property was granted a variance for a similar, if not identical, structure in 2005. The current request is for a 15'x22' sunroom addition and the previously approved variance speaks of a 17'x22.5' addition. He stated this request is slightly smaller, and Ms. Sebastian agreed it is.

Ms. Bingaman stated her mother is an avid grower of citrus trees. The mother would like to have a sunroom for the trees. It is getting more difficult for the mother to

get the trees in and out of the house to a back porch. The front of the house faces south and gets the best sunlight. Ms. Sebastian stated that the mother is an avid orchid grower.

Ms. Sebastian stated that the setback is measured from a street that was never constructed. It exists only on paper.

Mr. Staub asked about the appearance of the addition. Ms. Bingaman stated it is not the same as proposed in 2005. The current design includes a peak that will match the other side of the house; the matching eaves will appear symmetrical which will be more visually appealing and classier.

Mr. Staub asked why the addition was not built in 2005. Ms. Sebastian stated the mother's son was initially to build it, then another builder was going to build it, and through their procrastination, the mother got very frustrated and decided to just drop it.

Mr. Staub called for comments from the audience. There was none.

The Township had no position on the application.

Mr. Freeburn made a motion to grant the application as submitted. Ms. Cate seconded the motion. A roll call vote followed on the motion: Mr. Freeburn-Aye; Mr. Dowling-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:14 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
ANN HYLE AND BETH :
BINGAMAN : DOCKET NO. 1279

DECISION GRANTING VARIANCE

The applicant seeks a variance from minimum front yard setback requirements. A hearing on the application was held on April 22, 2010.

Facts

1. The applicant, Barbara A. Sebastian, t/d/b/a Sebastian Design, submitted the application on behalf of the owners, Ann Hyle and Beth Bingaman, of 5840 Longview Road, Harrisburg, Pennsylvania 17112, the owners of the property in question.

2. The property in question is situate at the end of Longview Road and consists of an irregularly shaped parcel improved with a single family dwelling. On paper, Longview Road extends along the front (Southern) edge of the property, however, the road has never been extended. Further, existing topographical conditions make its extension unlikely.

3. The applicant proposes to add a 15' x 22' sunroom to the front of the existing house. The western edge of the sunroom would extend to within 15' of the southern property line, while the eastern end would extend to within 28' of the property line..

4. The applicant has discussed her proposed project with her neighbors who have no objections to the proposed construction.

5. Notice of the hearing was posted and advertisement made as required by the ordinance.

6. No one other than the applicants and her project designer, Barbara Sebastian, appeared to testify either against or in favor of the proposal.

Conclusions

1. Article 307.A of the ordinance requires a minimum front yard setback of 25'. The proposed construction would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of its irregular shape. This hardship is further compounded by the existence of the paper street which increases setback requirements in what would otherwise be considered a side yard.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The intrusion into the setback is largely offset by the paper street so no adjoining property is negatively impacted. Further,

given the placement of the sunroom, the general public will be essentially unaffected by it.

Decision

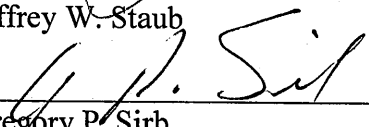
In view of the foregoing and having carefully considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted. All construction shall be in strict conformity of the plans and testimony submitted to the Board.

Date: 5/27/10

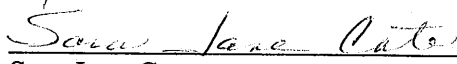
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Jeffrey W. Staub

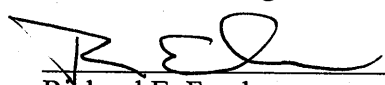


Gregory P. Sirb



Sara Jane Cate

David B. Dowling



Richard E. Freeburn